

PATENT

Mitsuhara et al.  
Application No.: 08/805,813  
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71 22. (Once amended) The method according to claim 21, wherein the pathogenic fungi are *Rhizoctonia solani*, *Pythium* [*aphanidermatum*] *aphanidermatum*, and *Phytophthora infestans*.

72 27. (Once amended) The method according to claim [21] 24, wherein the first plant promoter is an inducible promoter.

73 <sup>SUB</sup> 637 29. (Once amended) The method according to claim [25] 28, wherein the promoter induced by stress is a promoter of the tobacco PR-1a gene.

30. (Once amended) The method according to claim [21] 24, wherein the expression cassette has a terminator of the tobacco PR-1a gene downstream of the DNA sequence encoding the anti-bacterial peptide from the Diptera insect.

31. (Once amended) The method according to claim [21] 24, wherein the constitutively expressed promoter is the Cauliflower mosaic virus 35S promoter.

74 <sup>SUB</sup> 67 39. (Once amended) The plant according to claim 32, wherein the expression cassette has a terminator of the tobacco PR-1a gene downstream of the DNA sequence encoding the anti-bacterial peptide from the Diptera insect.

Please add the following new claim.

75 <sup>SUB</sup> 697 41. (New) The plant according to claim 32, wherein the expression vector further has a T-DNA region and a drug resistant gene. --

REMARKSStatus of the Application

The Advisory Action mailed February 3, 2000 states that the After Final Amendment filed December 23, 1999 (which canceled claims 1-20 and added claims 21-40) has been entered. Claim 41 is added by this Amendment. Therefore, claims 21-41 are pending